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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,497	10/24/2003	Michio Uchida	03500.017660.	7234
5514	7590	06/09/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			ROYER, WILLIAM J	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2852

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/691,497	UCHIDA ET AL.	
	Examiner	Art Unit	
	William J. Royer	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12092003</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

Figures 4-8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

In Figure 2A, change reference numeral "2B" to --- FIG. 2B ---.

In Figure 2A, change reference numeral "2C" to --- FIG. 2C ---.

In Figure 2A, reference numeral "58" is shown, however, reference numeral "58" does not appear to be identified in the specification.

In Figure 2C, reference numeral "60" is shown, however, reference numeral "60" does not appear to be identified in the specification.

On page 2, line 26, after "heater" insert --- 113 ---.

On page 3, lines 14, 16 and 19, after "film" insert --- 114 ---.

On page 3, line 23, change "provided on a" to --- provided on the ---.

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On page 3, line 24, change "a heater" to --- the heater ---.

On page 4, lines 1 and 25, after "film" insert --- 114 ---.

On page 4, line 6, change "the recording medium" to --- a recording medium S ---.

On page 4, lines 9, 10, 17 and 22, after "medium" insert --- S ---.

On page 4, line 19, delete --- an ---.

On page 5, line 9, after "undulation" insert --- Sa ---.

On page 5, line 10, change "medium receives an" to --- medium S receives ---.

On page 5, lines 13, 16 and 18, after "medium" insert --- S ---.

On page 8, line 12, change "1 (1a to 1d)" to --- 1a to 1d ---.

On page 8, lines 19 and 23, change "2 (2a to 2d)" to --- 2a to 2d ---.

On page 8, lines 21-22, change "3 (3a to 3d)" to --- 3a to 3d ---.

On page 8, line 23, change "4 (4a to 4d)" to --- 4a to 4d ---.

On page 8, line 26, change "5 (5a to 5d)" to --- 5a to 5d ---.

On page 9, line 3, change "6 (6a to 6d)" to --- 6a to 6d ---.

On page 9, line 6, change "50 (50a to 50d)" to --- 50a to 50d ---.

On page 9, line 19, change "on the" to --- by the process ---.

On page 9, line 20, after "stations" insert --- 1a to 1d ---.

On page 9, line 21, after "belt" insert --- 7 ---.

On page 9, line 22, change "14 (14a to 14d)" to --- 14a to 14d ---.

On page 10, lines 2, 13 and 15, after "belt" insert --- 7 ---.

On page 10, line 16, change "unit" to --- apparatus ---.

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On page 12, line 5, after "resulting" insert --- in ---.

On page 12, lines 9 and 17, after "sleeve" insert --- 52 ---.

On page 12, lines 14 and 24, after "medium" insert --- S ---.

On page 12, line 17, after "roller" insert --- 57 ---.

On page 13, line 6, change "54" to --- 52 ---.

On page 13, lines 9-10, change "that an internal surface" to --- that the internal orbit ---.

On page 13, line 18, after "roller" insert 57 ---.

On page 13, line 22, after each occurrence of "undulation" insert --- Sa ---.

On page 13, line 23, after "medium" insert --- S ---.

On page 14, line 3, after "sleeve" insert --- 52 ---.

On page 14, lines 8 and 9, after "medium" insert --- S ---.

On page 14, lines 10, 15 and 18, after "angle" insert --- ---.

On page 14, line 12, after "heater" insert --- 55 ---.

On page 18, line 2, change "The" to – An ---.

On page 18, line 8, it is unclear what is meant by "wherein the rotating member moves in a direction around the rotating member". Is the second occurrence of "rotating member" correct?

On page 18, line 13, after "in" insert --- an ---.

On page 18, line 14, after "case" insert --- where ---.

Appropriate correction is required.

Claim Objections

Claims 1 and 3 are objected to because of the following informalities:

Claim 1, line 10, change "with" to --- while ---.

Claim 1, line 12, delete --- just after passing through a down ---.

Claim 1, line 13, change "stream" to --- downstream ---.

Claim 1, lines 14-15, "pressure roller in surface of said heater" should be rewritten in a more grammatically correct form.

Claim 3, line 4, change "separating" to --- separation ---.

Claim 3, lines 6-7, "pressure roller in surfaces of said heater" should be rewritten in a more grammatically correct form.

Claim 3, line 8, change "an" to --- a ---.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Uekawa et al. Referring to Figure 2, Uekawa et al disclose a heating-fixing apparatus 6 (i.e., image heating apparatus) for heating an image formed on a recording material P. The heating-fixing apparatus including: a heating heater 11 (i.e., heater); a heat-insulated stay holder 12 (i.e., holder) for holding the heating heater; a metal sleeve 13 (i.e., rotating member) rotating around the heat-insulated stay holder, the metal sleeve being flexible and having a metal layer and a mold-release layer (i.e., elastic layer); and a pressure member 20 (i.e., pressure roller) forming a fixing-nip portion (i.e., nip) with the heating heater across the metal sleeve; wherein the metal sleeve moves while detaching from the pressure member just after passing through a downstream end portion of a surface of the heating heater at a side of the pressure roller and surface of the heating heater.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Relevant Prior Art

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Otsuka et al, Natsuhara et al and Izawa et al each disclose a fixing apparatus that includes at least a heater; a holder for holding the heater; a rotating member rotating around the holder and a pressure roller.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Royer whose telephone number is (571) 272-2140. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "William J. Royer". The signature is fluid and cursive, with the first name "William" being the most prominent.

William J. Royer
Primary Examiner
Art Unit 2852

wjr
June 7, 2005